

TRINA A. HIGGINS, United States Attorney (#7349)
MICHAEL KENNEDY, Assistant United States Attorney (#8759)
Attorneys for the United States of America
Office of the United States Attorney
111 South Main Street, Suite 1800
Salt Lake City, Utah 84111-2176
Telephone: (801) 524-5682
email: michael.kennedy@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

| | |
|---|--|
| UNITED STATES OF AMERICA, Plaintiff, vs. JONATHAN J. DUNN, Defendant. | Case No. 2:23-cr-00375-HCN MOTION TO CONTINUE ARRAIGNMENT AND INITIAL APPEARANCE Judge Howard C. Nielson Magistrate Judge Daphne A. Oberg |
|---|--|

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves to continue the Arraignment and Initial Appearance in this case, presently scheduled for November 16, 2023, to a new date approximately 30 to 45 days out.

In support of its motion, the United States avers:

1. The United States is informed that the defendant is currently on active duty with the U.S. military overseas.

2. The United States is working through the military chain of command to facilitate the defendant's initial appearance in this case and his presence for further proceedings.

3. It is presently expected that the defendant's assignment overseas will be curtailed by the military command, and he will return to the continental United States. The timing of his return remains uncertain but is likely to occur within the window of the requested continuance.

4. The United States avers that matters incident to arraignment, including resolving questions relating to Speedy Trial Act dates and potential detention or conditions of pretrial release will be more effectively handled with the defendant's in-person appearance in the continental United States and without the need to involve or burden the military command. The United States therefor would object to a FRCrP Rule 10(b) waiver of appearance in this case.

5. There is no prejudice to the defendant in the requested continuance.

6. The defendant appears to be represented by counsel who has not yet entered an appearance. The undersigned advised counsel of the intention to file this motion and has not received a reply or objection.

DATED: November 2, 2023.

TRINA A. HIGGINS
United States Attorney

/s/ *Michael Kennedy*

MICHAEL KENNEDY
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing MOTION TO CONTINUE ARRAIGNMENT AND INITIAL APPEARANCE was caused to be served on counsel and interested military third parties by email on November 2, 2023.

/s/ Michael Kennedy